

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON SEPTEMBER 11, 2001	: : : : : : : :	Civil Action No. 03 MDL 1570 (GBD) (FM)
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<i>This document applies to Hoglan, et al. v. The Islamic Republic of Iran, et al. 1:11-cv-07550-GBD</i>	: : : : : : : :	
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DECLARATION OF MARYANN MISTRULLI-ROSSER

I, Maryann Mistrulli Rosser declare under penalty of perjury, pursuant to 28 U.S.C §1746, that the following is true and correct to the best of my knowledge, information and belief.

1. I am a resident of the State of New York and a citizen of the United States of America. I am over the age of eighteen.
2. The information contained in this Declaration is true and is based upon my personal knowledge.
3. My father, Joseph D Mistrulli, was among the victims of the horrific attack on the World Trade Center on September 11, 2001.
4. I make this declaration in particular in order to shed light on the dynamics of our family, supporting the claims made by my maternal Aunts and Uncles, to demonstrate that their relationships with my father Joseph D. Mistrulli were the functional equivalents of a sibling relationship, *i.e.*, that they were indeed regarded as brothers and sisters; as immediate family, to my late father.

5. For as long as I can remember our immediate family unit consisted of my father, mother, brother, sister and my maternal grandparents, James and Mary Mandelino, my maternal aunts, Maryann Pino and Jennie Mandelino, and my maternal uncles, James Mandelino, Tony Pino, and Michael Mandelino. My grandmother and grandfather were the heads of our family. Since I was an infant I resided with them, along with my entire family, under one roof, one house.
6. I recall each any every holiday, birthday, life event, or any given day, we were always all together.
7. I can recall the big Sunday dinners which my dad would cook for everyone. The Easter egg hunts, Christmases and Thanksgivings. The love, laughter and chaos filled our home daily. I've already written numerous statements about the amazing father Joseph D. Mistrulli was, but never got to enlighten others to the warm, loving, dedicated, and respectful brother and son he was as well.
8. Growing up with my maternal family I got to see many facets of relationships. My father regarded James and Mary Mandelino as his parents and they regarded him as their son, and they did so by addressing him as "son" and he in turn called them "mom and dad."
9. My grandfather, Uncle Jimmy, Uncle Mike, Aunt Jennie and my father were all in a building trade. They all loved their jobs and were always there for one another in any given task. Though Uncle Tony did not share the love of the trade, he and my father had an unshakeable and inseparable bond. They were "attached at the hip" at all family gatherings. I can recall going on several jobs with my dad and uncles and he would introduce them to others *as his brothers*, and they did the same. Not only were my Uncle

Jimmy, Uncle Mike, Uncle Tony, Aunt Jennie, Aunt Maryann, grandmother and grandfather there to offer their assistance physically, but they were there emotionally and financially when times got rough.

10. My father's relationship with Uncle Mike was not only that of brothers. With my Uncle Mike being so close in age to myself and my siblings, he was somewhat regarded as a father figure, or big brother, to my Uncle Mike. When my father would play with us kids in the backyard, Uncle Mike was always there. My dad guided Uncle Mike through his younger years, and once Mike reached adulthood, my father helped him get into the carpenters' union and then worked alongside of him and my Uncle Jimmy. I can recall all three of them on the roof of our home, building a dormer together. My Uncle Mike, Uncle Jimmy, and my father shared so many days together working on jobs and talking about things I wasn't privy to. They genuinely enjoyed each others' company, appreciated each others' craftsmanship and respected each others' opinions. This relationship carried through off the jobs and in their private lives as family, as well.
11. My father also shared a close relationship with my maternal grandmother and aunts, Maryann and Jennie. They were always there to lend a hand, an ear to listen, and shoulder to cry on.
12. When my grandmother became ill, my father helped take care of her and her household, as they had done for us so many times before.
13. My aunts and my father shared a bond similar to that of my maternal uncles. My Aunt Maryann and my dad shared cooking recipes while my Aunt Jennie and my dad shared

tricks of their trade. My father regarded them as his sisters, and *vice versa*. They shared the love and respect for each other as an **immediate family** should.

14. Throughout my years growing up, ever since I can remember, the only family that was there for my dad, in good times and bad times, was my maternal family. My father tried to keep up his relationship with my paternal family, but they shared different values and wanted no part of it. They were absent most of my life and to this day. I can recall all the special occasions we spent with my maternal family, communions, confirmations, birthdays, holidays, graduations, school functions, dance recitals and weddings. But I also remember all the ordinary days, weekends, barbecues, long summer days in the backyard, and the vacations we took together. Being all together is what made those ordinary days into exceptional ones.
15. My mother, Philomena, fell ill numerous times and was hospitalized. It was my maternal family that was there for us for whatever kind of assistance was needed. They were not only there for us children, they were by my dad's side every step of the way. When my dad was laid off and we had financial hardships, my maternal family was there to assist us. When my daughter passed away and my parents and I could afford the burial, my maternal family was there for us, both emotionally and financially. Through illnesses, surgeries, hospitalizations and any other struggles thrown our way, my maternal family was always there to help us get through it, and we did the same for them.
16. When my father was killed, it was ONLY my maternal family who assisted in searching for him. My aunt Jennie worked at Ground Zero with his "missing person" poster taped to her vest. My aunt Maryann practically lived with us, helping my grief stricken mother

reach out to different agencies seeking answers and traveling to the City for information and assistance. My maternal uncles also assisted filing missing person's reports and hanging posters. It was through the combined efforts of our "family" – my maternal family – that we were able to survive the loss of my dad. They assisted in organizing his memorial and his multiple burials, and they accompanied us to numerous other memorial services.

17. Since my father's murder, as I sit here recollecting past times, I can recall the numerous phone calls I have made to Aunt Jennie, Uncle Mike, and Uncle Jimmy asking, "How do I fix this? or install that?" These are conversations I should have had with my dad, but he is no longer with us. Or phone calls to Aunt Maryann and Uncle Tony asking cooking recipes and financial advice; again, conversations I should have had with my dad, but he is no longer with us. In this fashion, my maternal family members have truly stepped in to try to fill the void caused by the absence of my father. This is what I would expect the siblings of my father to do. While they are, technically, his "in-laws," he didn't think of them that way. They weren't related to my father by a legal construct as suggested by the term "in-law," but rather by their actions and deeds over the years: they were his immediate family in reality. They always have been truly "functional equivalents" of my dad's brothers and sisters.
18. When my own children were born in 2002 and 2004, my maternal family was there at the hospital to support me. And even though, I know, they were suffering a different type of loss and emptiness from my father's death, they put their feelings on hold and they did what their brother, Joe, would have wanted.

19. Though my father may not be on this earth anymore, my maternal aunt and uncles still have the love and respect for him as brothers and sisters should, and they are still here for us as they always have been.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing declaration is true and correct to the best of my knowledge, information and belief.

EXECUTED this 5th day of May, 2017.

A handwritten signature in black ink, reading "Maryann Mistrulli-Rosser". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Maryann Mistrulli-Rosser